

## **DETAILED ACTION**

### **Remarks**

This Office Action fully acknowledges Applicant's remarks filed on March 1<sup>st</sup>, 2010. Claims 1-4 and 6-12 are allowed. Claims 13-18 have been cancelled.

### **Interview Summary**

Examiner discussed with Applicant's representative amending the apparatus claims so as to have the calculator and the controller "configured to" carry out the recited functions so as to establish patentable weight to the particular processes carried out by the calculator and controller. Examiner discussed that while the prior art of Matzinger was capable of such functionalities, the prior art of Matzinger did not anticipate a calculator or controller that actually carried out the recited functionalities as would be necessary given adoption of the "configured to" language. Examiner asserted that with such amendments, all of the remaining claims (1-4 and 6-12) would be in allowable form. Applicant's representative agreed to entry of the amendments by way of an Examiner's Amendment.

### **Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Amul Kavathekar on June 4<sup>th</sup>, 2010.

The application has been amended as follows:

In the claims –

6. (currently amended) An analyzing device comprising:

a storage that stores a relationship between variations of reflectivity and variations of wavelength with respect to a reference board whose reflectivity varies continuously as the wavelength of light irradiated onto the reference board varies, the variations of the wavelength of irradiated light being caused by environmental temperature changes that also cause fluctuations of reflectivity;

a light irradiator for irradiating light toward a reaction system and the reference board, the reaction system including a sample liquid and a reagent;

a detecting unit arranged to face the reaction system and the reference board for detecting an amount of light reflected from the reaction system under light irradiation from the light irradiator as a first detection result, the detecting unit detecting an amount of light reflected from the reference board under light irradiation from the light irradiator as a second detection result; and

a calculator connected to the detecting unit and the storage ~~for calculating~~ configured to calculate the wavelength of irradiated light based on the second detection result and the predetermined relationship between variations of reflectivity and variations of wavelength with respect to the reference board while also ~~calculating~~

configured to calculate a concentration of a specific component in the sample liquid based on the first detection result and the calculated wavelength of irradiated light.

7. (currently amended) The analyzing device according to claim 6, wherein the storage also stores a plurality of calibration curves each representing a relationship between the first detection result and the concentration of the specific component;

the analyzing device further comprising a selector connected to the calculator and the storage for selecting a most suitable calibration curve for calculation from the plurality of calibration curves based on the second detection result;

the calculator ~~calculating~~ configured to calculate the concentration of the specific component based on the calibration curve selected by the selector and the first detection result.

8. (currently amended) The analyzing device according to claim 6, wherein the calculator ~~corrects~~ is configured to correct the first detection result based on the second detection result and ~~then calculates~~ is configured to calculate the concentration of the specific component based on the correction.

9. (currently amended) The analyzing device according to claim 6, wherein the calculator ~~performs~~ is configured to perform primary calculation of the concentration of the specific component based on the first detection result, and ~~then calculates~~ is configured to calculate a final value by correcting the primary calculated value.

10. (currently amended) The analyzing device according to claim 6, further comprising a controller connected to the detecting unit and the calculator ~~for controlling~~ configured to control timing for detection of the second detection result at the detector.

11. (currently amended) The analyzing device according to claim 10, wherein the controller ~~controls~~ is further configured to control the detector for detecting the second detection result before or after the detection of the first detection result, or simultaneously with the detection of the first detection result.

12. (currently amended) The analyzing device according to claim 10, wherein the controller ~~controls~~ is further configured to control the detector for detecting the second detection result upon start-up of the analyzing device.

***Allowable Subject Matter***

**Claims 1-4 and 6-12** are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record, namely Matzinger, does not teach or fairly suggest the analyzing method as recited in claim 1, and does not teach or fairly suggest the analyzing device as recited in claim 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments filed March 1<sup>st</sup>, 2010, are moot as the remaining claims are allowed in view of Applicant's amendments to the claims and the Examiner's Amendment above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL TURK whose telephone number is (571)272-8914. The examiner can normally be reached on M-F, 9-630.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NT

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